

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY HAMLET,

Plaintiffs,

vs.

PEOPLE OF THE STATE OF
CALIFORNIA,

Defendants.

No. C 06-5593 JSW (PR)

ORDER OF TRANSFER

Plaintiff is a state prisoner currently incarcerated at Wasco State Prison, located in Wasco, California. He filed this civil rights action in the United States District Court for the Northern District of California on September 12, 2006, apparently complaining of violations of his civil rights while incarcerated at the Ventura County Jail. While Plaintiff's complaint is somewhat incomprehensible, it appears that his claims may relate to his alleged inability to access the Courts while incarcerated at the jail.

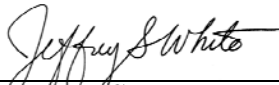
When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court "in the interest of justice." 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet

1 filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790
2 F.2d 1486, 1488 (9th Cir. 1986).

3 Plaintiff apparently complains about conditions of confinement at the Ventura
4 County Jail, located in Ventura County, within the venue of the Central District of
5 California. *See* 28 U.S.C. § 84. Therefore, the Court will transfer this action to the
6 United States District Court for the Central District of California. Accordingly, IT IS
7 ORDERED in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action
8 be TRANSFERRED to the United States District Court for the Central District of
9 California. The Clerk of the Court shall transfer this matter forthwith.

10 IT IS SO ORDERED.

11 DATED: September 20, 2006

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14 JEFFREY S. WHITE
15 United States District Judge
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